

031804

Anticipated Classification  
of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_Prior Application:  
Examiner K.E. Weddington  
Group Art Unit 1614Attorney's  
Docket  
No. 64987-A/JPW/GJCU.S. PTO  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 18, 2004

17497 U.S. PTO  
10/805624

031804

## S I R:

This is a request for filing a  CONTINUATION DIVISIONAL  CONTINUATION-IN-PART application under 37 C.F.R. §1.53(b)  37 C.F.R. §1.53(d), of pending prior applicationSerial No. 09/938,746 filed on August 23, 2001 of

Gabriela Chiosis, Ivo G. Boneca and W. Clark Still

for

## Inventor(s)

METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE

## Title of Invention

- Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
- A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27  
is enclosed.  
 was filed in the prior application and such status is still proper and desired (37 C.F.R. §1.28(a)), copy of Small Entity Statement.
- The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	7 - 20	=	0	X	9	18	= \$ 0	\$
Independent Claims	1 - 3	=	0	X	43	86	= \$ 0	\$
Multiple Dependent Claims Presented:				Yes <input checked="" type="checkbox"/> No	145	290	= \$ 0	\$
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.							<b>BASIC FEE</b>	\$ 385 \$ 770
							<b>TOTAL FEE</b>	\$ 385 \$

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

Filing an application pursuant to this section expressly abandons the parent application.

BEST AVAILABLE COPY

Applicants: Gabriela Chiosis et al.

Serial No.: Not Yet Known

Filed: Herewith

Cont. Div.

Page 2

4.  The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.

Any additional filing fees required under 37 C.F.R. §1.16.

Any patent application processing fees under 37 C.F.R. §1.17.

The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).

5.  Three copies of this sheet are enclosed.

6.  A check in the amount of \$ 385.00 is enclosed.

7.  Cancel claims \_\_\_\_\_.

8.  Amend the specification by inserting before the first line the sentence: --This is a  continuation  division of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.--

9.  21 Sheet(s) of  informal  formal drawing(s) is/ are enclosed.

10.  Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

11.  Priority of application No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 37 U.S.C. §119.

The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

12.  The prior application is assigned of record to The Trustees of Columbia University in the City of New York \_\_\_\_\_ and The Rockefeller University \_\_\_\_\_.

13.  A preliminary amendment

14.  The power of attorney in the prior application is to:

John P. White (Reg. No. 28,768); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923); Alan D. Morrison (Reg. No. 37,399); Alan Miller (Reg. No. 42,889); Christopher M. Ries (Reg. No. 45,799) and Frank Bruno (Reg. No. 46,583)

BEST AVAILABLE COPY

Applicants: Gabriela Chiosis et al.

Serial No.: Not Yet Known

Filed: Herewith

Cont/Div.

Page 3

(a)  The power appears in the original papers in the prior application.

(b)  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c)  Address all future communications to:  
(May only be completed by applicant, or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.  Also enclosed Express Mail Certificate of Mailing No.

EV 305 642 472 US, dated March 18, 2004

16.  I hereby verify that the attached papers are a true copy of prior application Serial No. \_\_\_\_\_ as originally filed on \_\_\_\_\_.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

March 18, 2004

Date

Signature

Gary J. Gershik, Reg. No. 39,992

INVENTOR(S)  
 ASSIGNEE OF COMPLETE INTEREST  
 ATTORNEY OR AGENT OF RECORD  
 FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

John P. White  
Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Gabriela Chiosis et al.  
Serial No. : Not Yet Known  
Filed : Herewith  
For : METHOD FOR RE-SENSITIZING VANCOMYCIN  
RESISTANT BACTERIA WHICH SELECTIVELY CLEAVE  
A CELL WALL DEPSIPEPTIDE

1185 Avenue of the Americas  
New York, New York 10036  
March 18, 2004

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**EXPRESS MAIL CERTIFICATE OF MAILING**  
**FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EV 305 642 472 US  
Date of Deposit: March 18, 2004

I hereby certify that this paper or fee is being deposited to the  
United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 C.F.R. §1.10 on the date indicated  
above and is addressed to Mail Stop Patent Application,  
Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450:

Printed Name: J. ISCOA

Respectfully submitted,

Gary J. Gershik  
John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel (212) 278-0400